

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

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Does this action include a motion for temporary restraining order or order to show cause? Yes ☐ No ☒

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<input checked="" type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act				
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury -	<input type="checkbox"/> of Property 21 USC 881	<input type="checkbox"/> 423 Withdrawal	<input type="checkbox"/> 376 Qui Tam (31 USC				
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product	<input type="checkbox"/> Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 28 USC 157	<input type="checkbox"/> 3729(a))				
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel &	<input type="checkbox"/> 367 Health Care/			<input type="checkbox"/> 400 State Reapportionment				
<input type="checkbox"/> 150 Recovery of Overpayment	<input type="checkbox"/> Slander	<input type="checkbox"/> Pharmaceutical			<input type="checkbox"/> 410 Antitrust				
<input type="checkbox"/> & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers'	<input type="checkbox"/> Personal Injury			<input type="checkbox"/> 430 Banks and Banking				
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> Liability	<input type="checkbox"/> Product Liability			<input type="checkbox"/> 450 Commerce				
<input type="checkbox"/> 152 Recovery of Defaulted	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 368 Asbestos Personal			<input type="checkbox"/> 460 Deportation				
<input type="checkbox"/> Student Loans	<input type="checkbox"/> 345 Marine Product	<input type="checkbox"/> Injury Product			<input type="checkbox"/> 470 Racketeer Influenced and				
<input type="checkbox"/> (Excludes Veterans)	<input type="checkbox"/> Liability	<input type="checkbox"/> Liability			<input type="checkbox"/> Corrupt Organizations				
<input type="checkbox"/> 153 Recovery of Overpayment	<input type="checkbox"/> 350 Motor Vehicle	PERSONAL PROPERTY	LABOR	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 480 Consumer Credit				
<input type="checkbox"/> of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 710 Fair Labor Standards	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> (15 USC 1681 or 1692)				
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> Act	<input type="checkbox"/> 835 Patent - Abbreviated	<input type="checkbox"/> 485 Telephone Consumer				
<input checked="" type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal	<input type="checkbox"/> 380 Other Personal	<input type="checkbox"/> 720 Labor/Management	<input type="checkbox"/> New Drug Application	<input type="checkbox"/> Protection Act				
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> Injury	<input type="checkbox"/> Property Damage	<input type="checkbox"/> Relations	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 490 Cable/Sat TV				
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 362 Personal Injury -	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 880 Defend Trade Secrets	<input type="checkbox"/> 850 Securities/Commodities/				
	<input type="checkbox"/> Medical Malpractice	<input type="checkbox"/> Product Liability	<input type="checkbox"/> 751 Family and Medical	<input type="checkbox"/> Act of 2016	<input type="checkbox"/> Exchange				
			<input type="checkbox"/> Leave Act		<input type="checkbox"/> 890 Other Statutory Actions				
			<input type="checkbox"/> 790 Other Labor Litigation	SOCIAL SECURITY	<input type="checkbox"/> 891 Agricultural Acts				
			<input type="checkbox"/> 791 Employee Retirement	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 893 Environmental Matters				
			<input type="checkbox"/> Income Security Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 895 Freedom of Information				
				<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> Act				
				<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 896 Arbitration				
				<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 899 Administrative Procedure				
					<input type="checkbox"/> Act/Review or Appeal of				
					<input type="checkbox"/> Agency Decision				
					<input type="checkbox"/> 950 Constitutionality of				
					<input type="checkbox"/> State Statutes				
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS							
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:							
<input type="checkbox"/> 220 Foreclosurc	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee							
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate							
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/	<input type="checkbox"/> Sentence							
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> Accommodations	<input type="checkbox"/> 530 General							
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 445 Amer. w/Disabilities -	<input type="checkbox"/> 535 Death Penalty							
	<input type="checkbox"/> Employment	Other:							
	<input type="checkbox"/> 446 Amer. w/Disabilities -	<input type="checkbox"/> 540 Mandamus & Other	IMMIGRATION	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff	<input type="checkbox"/> 897 Arbitration				
	<input type="checkbox"/> Other	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> or Defendant)	<input type="checkbox"/> 899 Administrative Procedure				
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 465 Other Immigration	<input type="checkbox"/> 871 IRS—Third Party	<input type="checkbox"/> Act/Review or Appeal of				
		<input type="checkbox"/> 560 Civil Detainee -	<input type="checkbox"/> Actions	<input type="checkbox"/> 26 USC 7609	<input type="checkbox"/> Agency Decision				
		<input type="checkbox"/> Conditions of			<input type="checkbox"/> 950 Constitutionality of				
		<input type="checkbox"/> Confinement			<input type="checkbox"/> State Statutes				

☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

Brief description of cause:
Breach of Contract / Removed for Diversity

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

DOCKET NUMBER

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE
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CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.7 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

Case is Eligible for Arbitration ☐

I, David E. Freed, counsel for Convergent Technologies LLC, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

☒
☐
☐

monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
 the complaint seeks injunctive relief,
 the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

Convergent Technologies LLC's parent corporation is DG Investment Intermediate Holdings 2, Inc. DG Investment Intermediate Holdings 2, Inc. is wholly owned by Convergent Technologies Group L.P. No publicly held corporation owns 10% or more of Convergent Technologies LLC 's stock.

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? ☒ Yes ☐ No
- 2.) If you answered "no" above:
 - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? ☐ Yes ☐ No
 - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? ☐ Yes ☐ No
 - c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received:

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? ☐ Yes ☐ No

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

☒

Yes

☐

No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

☐

Yes (If yes, please explain

☒

No

I certify the accuracy of all information provided above

Signature: 